

SC13240TP

REMARKS

Claims 16-30 are pending and are under final rejection. There are two issues over which Applicants and the Examiner disagree. Applicants will address the Examiner's response to these issues below as Applicants have not yet had an opportunity to do so.

First Issue

Applicants submit Mansoori fails to teach or suggest "forming a first patterned conductive layer...", "forming a second patterned conductive layer...", and "selectively removing portions of the first and second patterned conductive layers..." because Mansoori patterns or selective removes portions of elements 1610 and 1620 but does not do both. (More details as to this argument are provided in Applicants' previous response.)

The Examiner contends, "...the limitation is shown since a single process step can be broken up into an infinite number of smaller process steps and therefore this process step can be represented by an intermediate figure between figures 19 and 20." Thus, the Examiner submits that although Mansoori's text and figures fail to teach or suggest all features of Applicants' claims, because Mansoori teaches process steps one can, without teaching or motivation from Mansoori or another reference, infer that Mansoori teaches or suggests other process steps that Mansoori is silent as to. Applicants fail to see where this is cited in the MPEP or where this has become law.

Instead, the MPEP and the law go against the Examiner's position. The Examiner's position improperly reads limitations out of the claims. More specifically, the Examiner's is reading the phrase "patterned" out of the phrases "first patterned conductive layer" and "second patterned conductive layer" or alternatively, is ignoring the phrase "selectively removing portions of the first and second patterned conductive layers." This is improper. MPEP 2143.03 addressed this issue and states,

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

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Second Issue

Applicants submit Mansoori also fails to teach or suggest, "wherein after selectively removing portions of the first and second patterned conductive layers, the first and second patterned conductive layers have lengths that are substantially equal." The Examiner and Applicants agree that in the cross-sections shown elements 1610 and 1620 do not have substantially equal lengths. However, the Examiner contends that elements 1610 and 1620 do have substantially equal lengths in the dimension into the page. Applicants fail to see where Mansoori teaches or suggests this. In contrast, Mansoori teaches that the "layer 1610 will etch faster than the other layers due to an enhanced sensitivity to an etchant." (See paragraph [0056].) Therefore, layer 1610 will not have the same dimensions as other layers, such as layer 1620. Furthermore, Mansoori fails to teach or suggest that the dimension into the page is not etched for the layers 1610 and 1620. Therefore, Mansoori fails to teach that layers 1610 and 1620 have lengths that are substantially equal.

Please contact Applicant's practitioner listed below if there are any issues that can be resolved by telephone.

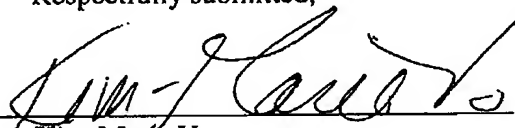
SEND CORRESPONDENCE TO:

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Respectfully submitted,

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